

Layoff Benefits Guide for City of Cincinnati Employees

Human Resources Department

June 2013



Table of Contents

Vacation.....	3
Compensatory Time/Holiday Pay.....	3
Unused Sick Leave.....	4
Final Paychecks.....	4
Retirement.....	4
Health Insurance.....	6
Recall Process.....	8
Deferred Compensation.....	8
Tuition Reimbursement.....	8
PEAP.....	9
Unemployment Benefits.....	9
Healthy Lifestyles Incentive.....	9
Life Insurance.....	9
Definitions.....	10
Determining the need for Layoffs.....	11
Layoff/Bumping Process.....	11
Miscellaneous Questions	16
Phone Numbers & Agency Contacts.....	17
Employing Units.....	18
Appendix A – Lump Sum Form.....	19

A Guide on Layoff Benefits

Please take the time to familiarize yourself with the layoff benefits and resources available to you. Use the phone list at the back of this document if you have special questions or concerns.

VACATION/COMPENSATORY TIME/HOLIDAY PAY

If you have unused, earned vacation, you may:

1. Request to take all or part of your earned vacation, compensatory time or holiday time before the date of your separation from City service, subject to the scheduling approval of your supervisor, **OR**
2. Receive payment for any vacation, compensatory time or holiday time earned which you have not used as of the date of your separation from City service.

When an employee is laid off, a check will be issued for the value of vacation, compensatory and holiday time. A check for the full balances in these leave accounts will be issued after the last regular check is issued. In this case, employees will receive their final checks on **June 18, 2013** and the lump sum check will be issued on **July 2, 2013**.

Also, layoff employees have the option to not receive their lump sum payment and leave the balances on the payroll system in case the employees are recalled. Employees wishing to exercise this option must submit a form*. Please send requests to your payroll clerks and they will forward to Finance. Lump sums will be automatically processed for all employees who elect to receive their lump sum. If an employee who has opted to leave the balances on the payroll system is not hired within their recall period, the leave time will be paid out to the employee. The option does not allow for a partial payment of the lump sum amount. The option is to receive the payment or keep the time on the books with the city.

If you return to City employment within one year (Non-Represented), three years (ASFCME, Fire & Police) or four years (CODE) of the date of your separation from City service, you will begin to earn vacation at the same rate at which you earned it before you were laid off. For example, if you are a Division 1 employee with 5 years of City service and you now earn vacation at 13 days per year, you will earn vacation at the rate of 13 days per year provided that you return to work within three years of the date of your separation.

If you are reemployed by the City after one, three or four years depending on the type of employee you are from the date of your separation from City service, you will be considered a new employee at the current, entry level rate.

*Please see the appendix of this booklet for a copy of the form.

UNUSED SICK TIME

If you have unused, earned sick leave in the City's payroll system,

1. Your sick leave will not be paid out in a layoff situation
2. Your sick leave will be retained in the bank for up to ten years, so will remain available if you are recalled (ORC 124.38).
3. If you become employed with another public agency within the State of Ohio you can request that your sick leave be transferred to that agency per ORC 124.38.
4. If you are eligible for and choose a full retirement, you will be paid out your sick leave balance at the rate dictated by applicable labor contract or HR P&P.

FINAL PAYCHECKS

Final paychecks will include the last pay period of your salary and will be received on **June 18, 2013**.

You will receive your lump sum check one pay period after your final pay check from City service on **July 2, 2013**.

All final paychecks and lump sum checks will be mailed to your home address on file in CHRIS.

RETIREMENT

Uniformed police officers and firefighters are members of the **Ohio Police and Firemen's Disability and Pension Fund** and should contact the Ohio Police & Fire Pension Fund at 1-888-864-8363 for information.

City employees who participate in the **Ohio Public Employees Retirement System (OPERS)** should contact OPERS at 1-800-222-7377 for information.

Cincinnati Retirement System (CRS)

Members of CRS become vested in a retirement benefit after they have earned 5 full years of service credit. Full time employees earn 1 year of service credit for 2080 paid regular hours during a calendar year; part-time employees earn service credit on a prorated basis. For example an employee who was paid for 1500 regular hours in a calendar year would receive 0.72 years of service credit (1500/2080) for that year. Members DO NOT earn service credit for any period of unpaid service, except for military leave if all requirements are met.

A member's retirement benefit includes both pre-tax member contributions (before federal and state income taxes are deducted) and employer contributions. As a result, future retirement benefits will be subject to both state and federal income tax.

If a member separates from City service before becoming vested, they are not eligible to receive a retirement benefit from CRS. However they are entitled to a refund of their employee contributions to the plan. If the member leaves their contributions in CRS and returns to City service, their prior service credit will remain in CRS.

If a member is vested and separates from City service prior to retirement eligibility age and they do not withdraw their employee contributions from the plan, they will be eligible to receive a retirement benefit at the time they reach certain eligibility criteria.

If a member is vested and withdraws their employee contributions after separation from City service, they are not eligible for any future retirement benefits from CRS.

Q: Can I withdraw my retirement contributions from CRS?

A: If a member separates from City service, they can withdraw their employee contributions but they lose all service previously credited in the system. If a member who has withdrawn their contributions returns to City service, they would start accumulating service as a new employee subject to the retirement rules in effect at that time. A rehired member may buy back the prior withdrawn service after they have been reemployed for at least 18 months. The service purchased would be subject to the retirement rules in effect at the time purchased.

Q: If I withdraw my retirement contributions what happens to my status as a laid off employee?

A: Withdrawal of your retirement contributions does not affect your status as a laid off employee and will not terminate your recall rights.

Q: Can I withdraw a portion of my retirement contributions from CRS?

A: No. If a member chooses to withdraw their employee contributions from CRS after separation from service, the full amount will be distributed and they will not be eligible for a future retirement benefit from CRS.

Q If I have at least 5 years of service credit when I leave City employment and I choose to leave my contributions in CRS, when can I start receiving a retirement benefit?

A: Depending on your age and years of service, you may be eligible for an immediate or deferred retirement benefit. Please contact the Retirement Office or refer to the CRS website.

Q: What happens if I have a loan through CRS?

A: Loans held by members who separate from service other than through retirement must be paid off within 90 days of the member's date of separation.

Outstanding loans can be repaid through the following methods:

- 1) One-time deduction from the employee's lump sum payout of unused accrued time; OR
- 2) Return of accumulated employee pension contributions (If a member withdraws their employee contributions, they are no longer eligible to receive a CRS retirement benefit.); OR
- 3) Distribution from a Deferred Compensation Plan (457 Plan); OR
- 4) One-time payment from other personal sources; OR
- 5) Any combination of the above methods; OR
- 6) Permanent actuarial reduction of accrued monthly pension benefits. Under this method, the unpaid loan balance is treated as a taxable distribution for the calendar year in which the loan default occurred and the retirement benefits were actuarially adjusted.

Q: What happens if I am unable to pay off my outstanding CRS loan balance within 90 days of my separation from service date?

A: Your retirement benefit will be actuarially reduced by the value of your outstanding loan balance. Under this method, the unpaid loan balance is treated as a taxable distribution for the calendar year in which the loan default occurred and the retirement benefits were actuarially adjusted.

Q: Can I withdraw the funds in my deferred compensation plan if I am laid off?

A: You can withdraw a portion or all of the funds in your deferred compensation plan. Distributions are subject to taxes. Depending on your age at the time of distribution, you may be subject to an additional tax penalty for an early distribution. Contact your deferred compensation administrator for details.

HEALTH INSURANCE/HEALTHY LIFESTYLES PROGRAM

Q: If I am laid off how long will I have health care coverage?

A: You will have it until the end of the month that you are laid off or longer if you elect COBRA coverage (described below).

Q: Can I pay to keep my health care coverage longer?

A: You can elect COBRA coverage for up to 18 months.

Q: How do I sign up for COBRA?

A: If an employee is laid off, the City will notify the COBRA administrators of the employee and dependents eligibility, and the Administrator will mail an eligibility letter and form to the home address on file with the City. Employees need to notify the COBRA administrators that they choose to participate in the program.

Q: How much will health benefits cost me through COBRA?

A: The current 2013 COBRA rates for active employees are listed in the table below.

2013	Anthem	Guardian	Eyemed	Anthem- Dental
Single	\$549.33	\$31.65	\$4.05	\$80.91
Family	\$1,610.44	\$94.97	\$11.71	\$80.91

Q: What happens to my flex spending account and health reimbursement account (Healthy Lifestyles Account) when I get laid off?

A: You will have 90 days from your separation date to file a claim for eligible services or expenses that are incurred prior to your separation. Money remaining in your account after the 90th day will be forfeited.

Q. Can I withdraw my incentives earned in 2013 from the Healthy Lifestyles Program?

A: No. The incentive earnings will be forfeited.

Q: Will my flex life insurance be cancelled or can I pay to continue coverage?

A: You can pay to continue the coverage. You must contact Risk Management at least 45 days prior to losing coverage to receive a "Notice of Continuation of Coverage."

Q: Will my long term disability insurance be cancelled or can I pay to continue coverage?

A: Your long term disability insurance will be cancelled. You cannot opt to continue coverage.

PROCEDURE FOR RECALL

Q: If I bump into a lower position will I remain on a layoff recall list for my original position?

A: Yes.

Q: How long will I remain on a layoff recall list?

A: The length of time you remain on a recall list varies by which union contract covers the position:

AFSCME:	36 Months
CODE:	48 Months
Police/Fire:	36 Months
Non-Represented:	12 Months

Q: How does the Recall process work?

A: Employees will be placed on the layoff/recall list by classification and in descending order of bargaining unit seniority or retention points. Employees will be recalled to their classification in their employing unit in the order their names appears on the layoff/recall list. Employees may also be recalled to other employing units when vacancies occur and there are no laid off employees from that employing unit (except for parenthetical sub-titles).

DEFERRED COMPENSATION

Q: Can I cash out my deferred Compensation contribution if I am laid off?

A: You *may* be able to withdraw your deferred comp contributions without penalty (you will still have to pay taxes). Contact your deferred compensation administrator for details.

TUITION REIMBURSEMENT

Q: If my tuition reimbursement has been approved prior to being laid off, will I still be able to submit my final grade for reimbursement?

A: Yes if the employee completes the course prior to the employee being laid off. (Human Resources will check to verify)

PUBLIC EMPLOYEES ASSISTANCE PROGRAM (PEAP)

PEAP is a professional, confidential counseling service designed to help employees and their family members manage work and personal problems. The program provides assistance before life problems can make a major impact of life decisions.

Q: If I am laid off, do I still qualify to use the services of PEAP?

A: Yes, the time frame to qualify for services will be discussed by your PEAP Counselor.

UNEMPLOYMENT BENEFITS:

Q: Am I eligible for unemployment benefits if I get laid off?

A: Yes.

Q: When should I file my application for benefits?

A: You should file your application as soon as you become unemployed. Your claim will begin the Sunday of the calendar week in which it is filed. Waiting more than a full week to file your application will postpone the beginning of your claim, and no benefits will be paid for weeks of unemployment that occur prior to the week of filing. **Even if you need to serve the required waiting week or you are receiving separation pay from your employer, do not hesitate in filing your application for unemployment benefits.** The website address is: unemployment.ohio.gov

LIFE INSURANCE

Q: What happens to my flex life insurance for myself, spouse and dependent child when my employment terminates?

A: You have the option to port (or continue) your coverage when your employment terminates for any reason prior to Normal Retirement Age. Portability is not available if you are entering active military service.

Things to know about your group term life insurance:

- Your premiums increase with age.
- Your coverage amount will be reduced by 5% when you attain age 65.
- Your coverage terminates when you reach age 75 or the last day for which you paid a premium.
- Contact the Office of Risk Management at 513-352-3759 to receive your “continuation of coverage” forms.
- You must return your completed application and first quarter premium to the Hartford within 31 days after your group coverage terminates.

DEFINITIONS

Q: What is an “Employing Unit?”

A: The term “employing unit” is used in connection with open or promotional examinations and eligible lists resulting from layoff and displacement actions. An employing unit is a department or division as determined by the Civil Service Commission. (CSC Rule 1, Section 11).

Q: What does a “Lack of Funds” mean?

A: A lack of funds means an employing unit has a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. (CSC Rule 1, Section 17).

Q: What is a “Classification Series”?

A: The term “classification series” refers to a group of classifications through which an employee may reasonably expect to be promoted or which show a logical relationship to each other on the basis of work performed, qualifications and rate of pay. Specific classification series are determined by the Civil Service Commission. (CSC Rule 1, Section 21).

Classification series are not published but can be determined from the list of positions eligible to take a promotional exam for a position, as determined by the approved classification specifications.

Q: What is Bargaining Unit Seniority?

A: The date you began working in the applicable bargaining unit (e.g., the first date you started continuous service in a position in the AFSCME bargaining unit). (AFSCME Article 11).

Q: What are Retention Points?

A: Retention points are the sum of base retention points (200) plus the retention points assigned for continuous service (1 point per pay period of service), plus efficiency points. Efficiency points are based on the average of the performance ratings from the last two performance evaluations (Exceptional = 2; Exceeds = 1.5 points; Meets = 1 point, Needs Improvement = .5; Unacceptable = 0 points).

- Time spent working as an unclassified part-time employee prior to full-time employment does not count towards layoff seniority.
- Retention points do not accrue for service in the Fire or Police forces, nor for service as a student, temporary or emergency employees. (CSC Rule 12, Section 4(A)).
- Classified part-time employees (less than $\frac{3}{4}$ time) earn retention points at half the rate of full time employees (half a point for each pay period of service).

DETERMINING THE NEED FOR LAYOFFS

Q: Do Departments choose how they will cut their Budget, or are Layoffs mandatory?

A: Over the past year, Departments have participated in a Priority Driven Budgeting Process along with citizens and employees across the City. This information was utilized in establishing the Plan “B” reductions.

Q: What triggers the Layoff Process?

A: The Appointing Authority determines that a lack of funds exists. The City Manager on March 28, 2013 issued a notice for the implementation of lay-offs due to lack of funds.

Q: Will layoffs only include Employees in the General Fund?

A: The focus of the current budget cuts is on general fund agencies. Some general fund agencies have *individual positions* that are funded by non-general fund sources. These positions may not be impacted; however, another employee with more seniority or retention points might be able to bump individuals in those positions.

PROCEDURES FOR LAYOFF/BUMPING

Q: When there is a reduction in workforce, what are the rules for determining which employees will actually be laid off or bumped?

A: An employee whose position is being eliminated may be placed in a vacant funded position for which he/she is qualified, in the same employing unit or another employing unit. If there is no vacant funded position for which the employee is qualified, then the employee may be permitted to displace, or “bump” another employee based upon seniority or retention point calculations. The rules for bumping vary depending on which employee group the employee is in.

Q: How much notification will employees get prior to being laid off?

A: Most of the union contracts call for an initial notification of lay-off of 30 days; however, CODE requires a 60 day notice prior to the effective date of a layoff. There is no particular notice requirement for individual employees subject to layoff or displacement (bumping), except in the fire contract (10 days) and MW contract (14 days). However, the City will provide as much notice to individual employees as is feasible under the circumstances.

Q: How much notice must be provided unclassified employees whose positions are being eliminated?

A: Unclassified employees are not covered by civil service law or rules, and may be terminated at any time. They are not covered by civil service layoff/bumping procedures. However, if unclassified employees are terminated due to a workforce reduction they will be provided as much notice as feasible under the circumstances.

Q: Are Layoff and Bumping rights based on Seniority?

A: CODE , Building Trades and classified non-represented employees are awarded “retention points.” (defined above).

AFSCME employee’s bumping rights are determined by bargaining unit seniority. (defined above).

FIRE and POLICE Department members are ranked based on time as a sworn member of the police or fire department within the affected rank. Time worked in other City departments does not count towards seniority as a sworn member of the Police or Fire Department. Where members have identical service dates, they will be laid off in reverse order of selection. For promotional positions, reverse order of selection, and then ranking on promotional exam, will be used if promoted the same date.

Q: What date will be used for calculating Retention Points?

A: Retention points will be calculated as of the last day of the pay period prior to the pay period in which retention points are received by the Director for verification.

Q: What will be the tie-breaker between two or more employees with identical retention points?

A: Ties will be broken based on the employees’ ranking on the eligible list for the affected position and then, if necessary, the time stamp on the application.

Q: Will a break in service affect my layoff seniority date?

A: If you have a break in service for more than one year you start with a new seniority date as of the date you return. If you have a break in service of less than one year you are given credit for the prior service and your date as adjusted to reflect the time off. A break of service for more than one year starts a new seniority date.

Q: Do I earn retention points or bargaining unit seniority while I am off work on unpaid leave?

A: Employees do not earn retention points for any pay period during which they receive no earnings. Bargaining unit seniority is not affected by unpaid status, unless there is a break in service.

Q: I am in a parenthetical sub-title. Am I treated the same as other employees in the classification?

A: Employees in parenthetical titles can bump or be placed in other vacant funded positions in the employing unit or in a lower position in the classification series. Employees cannot bump into positions carrying parenthetical titles unless they meet the minimum qualifications of the title. Senior Administrative Specialist (Grants Administrator/STD HIV Prevention) is an example of a parenthetical.

Q: How are employees on probation treated in relation to bumping and or layoff?

A: Employees will be bumped and or laid off in the order set forth within the primary appointment categories of temporary appointment, permanent appointment on probation and permanent appointment who have completed probation.

Q: Will Bumping occur on a City-wide basis, or only in my Employing Unit?

A: Bumping (displacement of other employees from their positions) generally takes place only within the employing unit. Rule 1, Section 11 of the Civil Service Rules states that *“The term ‘employing unit’ is used in connection with open or promotional examinations and eligible lists resulting therefrom as well as in layoff and displacement actions.”*

There are exceptions to this rule, which are explained in the following question.

Q: Does my Bargaining Unit Status Affect my Bumping Rights?

A: AFSCME employees may bump an employee in another employing unit if they have previously held that position in that employing unit and still meet the qualifications. (AFSCME Article 12, par. 5)

Non-represented employees may bump into a position they previously held in another employing unit within the last three years if they still meet the minimum qualifications. (O.R.C. 124.324).

Former AFSCME employees can bump back into an AFSCME position within the employing unit within 48 months of leaving the bargaining unit. *Example:* An employee is promoted from Structures Maintenance Worker (an AFSCME position) to a Service Area Coordinator (a CODE position) in 2002. If his SAC position is eliminated in 2010, he cannot bump back down to his Structures Maintenance Worker position because he has been out of the AFSCME bargaining unit for more than 48 months.

An employee who has never previously held any AFSCME position cannot bump into an AFSCME position, but could be placed into a vacant funded position. An AFSCME member would get priority over a non-AFSCME employee for a vacant position with the AFSCME bargaining unit.

AFSCME and CODE employees can bump a position in the employing unit at the same or lower rate of pay in the same *or different classification series*. (CODE Article 10.1(D); AFSCME Article 12, par. 4).

Per Civil Service Rules and the labor contracts, in all cases of placement or bumping, the employee must meet the *minimum qualifications* in the current classification specification for the position.

Q: What is the priority between placing employees into vacant positions and using the bumping process?

A: First, an attempt will be made to find a funded vacant position at the same level within the employing unit;

Second, an attempt will be made to find a funded vacant position at the same level in a different employing unit;

Third, the employee will be given the option of bumping within the same classification within the employing unit, or being laid off;

Fourth, the employee will be given the option to bump an employee at the same or lower rate of pay within the same classification series or, for AFSCME and CODE, in a different classification series, in the same employing unit, or being laid off.

Fifth, the employee will be given the option to bump to a position he/she formerly held in another employing unit (AFSCME), or will be given the option to bump into a position in another employing unit that they held within the last three years (Non-represented only).

If multiple options for bumping or placement are available, Human Resources will attempt to place employees in a position that most closely matches their current rate of pay and qualifications.

Q: Of the above options, do I have the choice of electing where I go?

A: No. Human Resources will determine where an employee will be placed or bumped, although consideration will be given to the employee's and department's preference where feasible. An employee who refuses the placement or bumping opportunity offered by the Human Resources Department in effect has elected to be laid off.

Q: Who determines whether an employee facing layoff is qualified to fill another position?

A: The Human Resources Department will make these determinations. To be qualified for a position, the employee must meet the *minimum* qualifications listed on the current classification specification for the position.

Q: If an Employing Unit has classified and unclassified employees in the same classification must we lay off the unclassified employees before the classified?

A: Unclassified employees are not covered by civil service law or rules and are therefore not part of the layoff/bumping process. Unclassified employees are selected by the department head based on their fiduciary responsibilities. (for example, confidential assistants to department heads) If a department has classified and unclassified employees in the same classification it is not required to layoff the unclassified employees prior to the classified employees.

Q: Can an unclassified employee whose position is eliminated bump a classified employee?

A: No. Unclassified employees cannot bump classified employees. (Nor can classified employees bump unclassified employees). Unclassified employees may be placed in a vacant funded position only if no classified employee is qualified and interested in the position.

Q: Can we bring back unclassified employees within a classification while classified employees are still laid off?

A: No. If both a classified and an unclassified employee's position is eliminated in the same classification, the classified employee must be recalled first. Unclassified employees have no recall rights.

Q: Do Part-Time Employees Get Laid Off First?

A: Within the employing unit, part-time employees in a classification or classification series are laid off before full-time employees within the employing unit and classification or classification series. (CSC Rule 12, Section 2; AFSCME Article 12, par. 3, CODE Article 10.2(C)).

Q: What if an employee is still on probation in a new hire position?

A: New hires serving their new hire probation are laid off before employees who have completed their new hire probationary period within the classification within the employing unit.

Q: What if an employee is still on probation in a promoted position?

A: Probationary employees are laid off before non-probationary employees. If an employee is in a position that is being eliminated and is still on probation, he/she would bump back down to their former classification.

Q: Can employees in departments that have recently reorganized into different employing units bump back into their position in their former Employing Unit?

A: Employees could bump back to the position they formerly held in their original department per AFSCME, Article 12, par. 5. Also see ORC 124.324.

MISCELLANEOUS

Q: Can Laid-Off Employees be offered a Contract Position with the City?

A: Not normally, but in extenuating circumstances it could happen provided the work being performed is not bargaining unit work . Such contracts would be closely scrutinized by Human Resources.

Q: Can Military or other State or Federal time that has been purchased count towards Retention Points or Layoff Seniority Date?

A: No, but prior *City* time that is purchased can be counted.

Q: Am I eligible for Unemployment Benefits if I get Laid Off?

A: Yes.

Q: If I choose to be laid off rather than accept a placement in another position at the same or lower level, will I lose my eligibility for Unemployment?

A: No.

PHONE NUMBERS & AGENCY CONTACTS

Jobs & Family Services – Ohio Unemployment Benefit Online

ODJFS General Information Customer Service 1-877-852-0010

Benefit Information for Workers & Filing Application 1-877-644-6562

<http://unemployment.ohio.gov/>

http://unemployment.ohio.gov/PDF/NEW_Workers_Self-Service_User_Guide.pdf

City of Cincinnati

Employing Unit/Layoff Jurisdiction

Organization Code	Department/Division
090	Enterprise Technology Solutions (ETS)
101	Office of City Manager
102	City Manager – Budget and Evaluation
104	City Manager – Environmental Quality
1014	City Manager – Contract Compliance
1012	City Manager – Citicable
105	City Manager - Economic Development
140	City Manager - Retirement
248	Parking Facilities
111	Law Department
120	Human Resources Department
131	Finance – Administration
134	Finance – Treasurer’s Office
135	Finance – Risk Management
136	Finance – Income Tax
137	Finance – Purchasing
133	Finance – Accounts & Audits
161	Community Development
170	City Planning & Buildings Department
180	Citizen Complaint Authority & Internal Audit
191	Recreation Department
201	Parks Department
222	Police Department
223	Emergency Communications Center
271	Fire Department
231	Department of Transportation & Engineering
250	Public Services Department
261	Health Department
301	Water Works Department
410	Metropolitan Sewer District

Appendix A

City of Cincinnati Lump Sum Option

I, _____ select the following option for my lump sum:

☐ Leave my time with the City of Cincinnati until further notice or my recall period expires

☐ Receive my lump sum payment for all amounts due

Signature

Date

ID#

Note: Sick leave is not part of the lump sum. Credit is given for accrued sick leave for return to city employment within the Recall period or employment with another public agency (ORC 124.38)

Please return this form to your Departmental HR Liaison to submit to Finance/Payroll for processing